



# LAW ENFORCEMENT PLAN SETTLEMENT AGREEMENT ARTICLE 318

BAKER RIVER HYDROELECTRIC PROJECT  
FERC No. 2150

**Puget Sound Energy**  
Bellevue, Washington

**June 2010**

# CONTENTS

**1.0 Executive Summary** ..... 1

**2.0 Introduction** ..... 1

    2.1 Provisions for Development and Modification of the LEP ..... 2

    2.2 Ownership of Land and Facilities for SA 318 ..... 2

    2.3 Inclusion Within the Project Boundary ..... 2

    2.4 Funding for SA 318 ..... 2

**3.0 Basis for the Plan** ..... 3

    3.1 Settlement Agreement Article 318 – Law Enforcement Plan ..... 3

    3.2 Relationship to Other Articles of the License and Settlement Agreement ..... 4

**4.0 Goals and Objectives** ..... 4

**5.0 Regulatory Reference and Definitions** ..... 5

    5.1 Law/Resource Protection Regulatory and Enforcement Authority ..... 5

    5.2 Definitions ..... 6

**6.0 Plan Implementation** ..... 7

    6.1 Plan Area ..... 7

    6.2 Background Information ..... 7

    6.3 Procedures ..... 7

    6.4 Schedule ..... 9

    6.5 Consistency with Other Plans ..... 10

**7.0 Monitoring and Reporting** ..... 10

    7.1 Monitoring ..... 10

    7.2 Reporting ..... 10

**8.0 References** ..... 10

**9.0 RRG Review Comments and Responses** ..... 11

    9.1 Distribution List ..... 11

    9.2 Cover Letter ..... 11

    9.3 Summary of Reviewer Replies ..... 13

    9.4 Reviewer Comments and PSE Responses ..... 13

    9.5 Comment Correspondence ..... 15

## List of Tables

Table 1. Law Enforcement and Resource Protection Regulatory Authorities.....	6
Table 2. Law Enforcement Plan Reviewers.....	11
Table 3. Comments Following Formal Review of the Draft LEP, April 9 – May 10, 2010.....	13

## List of Figures

Figure 1. Sample cover letter.....	12
Figure 2. Reply from Brian Adams, Skagit County Parks and Recreation.....	15
Figure 3. Reply from Brock Applegate, Washington Department of Fish and Wildlife.....	16

## Acronyms and Abbreviations

BRCC	Baker River Coordinating Committee
CFR	Code of Federal Regulations
DHS	Department of Homeland Security
ESA	Endangered Species Act
FERC	Federal Energy Regulatory Commission
HPMP	Historic Properties Management Plan
LEP	Law Enforcement Plan
license	FERC order issuing license
MBSNF	Mount Baker Snoqualmie National Forest
NFS	National Forest System
NPS	National Park Service
PA	Programmatic Agreement
Parties	Signatory participants to the Baker River Project Comprehensive Settlement Agreement
PSE	Puget Sound Energy
project	Baker River Hydroelectric Project (FERC Project No. 2150)
RAM	Recreation Adaptive Management
RRG	Recreation Resource Group
SA	Settlement Article
settlement agreement	Baker River Hydroelectric Project Relicensing Comprehensive Settlement Agreement
USDA-FS	USDA Forest Service
USFWS	US Fish and Wildlife Service
WDFW	Washington Department of Fish and Wildlife
WDNR	Washington Department of Natural Resources



## 1.0 Executive Summary

Puget Sound Energy (PSE) has developed a plan to help facilitate effective law enforcement at the Baker River Hydroelectric Project, Federal Energy Regulatory Commission (FERC) Project No. 2150, during the term of the new FERC license. The Law Enforcement Plan (LEP) was developed pursuant to settlement agreement article (SA) 318, “Law Enforcement Plan,” as described in the new FERC license. The LEP was also developed in consultation with the Recreation Resource Group (RRG) and specifically those agencies with law enforcement and resource protection responsibilities in the project area. The LEP documents PSE’s commitments to the Relicensing Comprehensive Settlement Agreement (settlement agreement) for the Baker River Hydroelectric Project (project), effective November 30, 2004. The LEP describes several processes, including annual law enforcement-related funding and annual law enforcement agency consultation, which will help ensure that law enforcement-related needs at the project are met during the term of the FERC license. Reporting on implementation of the LEP is described separately pursuant to SA 301, “Recreation Management Report.”

## 2.0 Introduction

PSE operates the Baker River Hydroelectric Project, FERC Project No. 2150, under a license granted by the licensing division of the FERC on October 17, 2008. The LEP was prepared to comply with settlement agreement article (SA) 318, “Law Enforcement Plan,” of the FERC order issuing license. It was prepared in consultation with the RRG, which includes the PSE and other signatory participants (Parties) of the Relicensing Comprehensive Settlement Agreement for the Baker River Hydroelectric Project, effective November 30, 2004.

The LEP provides a framework and related processes for PSE to help facilitate effective law enforcement activities within the project area. The LEP is intended to supplement PSE’s other FERC project safety and security requirements (see section 5.1). While PSE maintains the safety and security of project-related facilities and staff, most law enforcement and resource protection patrols fall under the purview of several agencies, including the following:

- USDA Forest Service (USDA-FS)
- National Park Service (NPS)
- Washington Department of Fish and Wildlife (WDFW)
- Washington Department of Natural Resources (WDNR)
- Skagit County
- Whatcom County
- Town of Concrete
- Upper Skagit Tribe
- Swinomish Indian Tribal Community
- Sauk-Suiattle Indian Tribe

The LEP guides PSE's involvement in law enforcement and resource protection at the project during the term of the new FERC license. As described in section 6.0, "Plan Implementation," the LEP addresses PSE's funding responsibilities and establishes an annual coordination process with applicable law enforcement and resource protection entities. The LEP also describes PSE's roles and responsibilities related to monitoring and reporting on the status of plan implementation (see section 7.0, "Monitoring and Reporting.")

### ***2.1 Provisions for Development and Modification of the LEP***

As required by SA 318, PSE developed the LEP in consultation with the RRG and specifically the USDA-FS, NPS, WDFW, WDNR, Skagit County, Whatcom County, the town of Concrete, Upper Skagit Tribe, Swinomish Indian Tribal Community, and Sauk-Suiattle Indian Tribe. PSE distributed the draft LEP to the RRG for a 30-day formal review per SA 318 requirements on April 8, 2010. PSE will incorporate RRG review comments into a second draft to be submitted to the FERC. Any RRG comments that necessitate revisions to the plan will be reflected in this second draft of the LEP. PSE will finalize the LEP upon FERC review and acceptance.

Potential future modifications to the LEP will only be made by the Licensee in collaboration with the RRG and with the approval of FERC. Any member of the RRG may propose a modification to the LEP per the License Implementation and Decision-Making process, described in SA 601. If the RRG adopts a plan modification, PSE will be responsible for filing the modified plan with FERC for formal review and approval. The plan will continue to be implemented without the proposed modification until FERC approves the modified plan.

### ***2.2 Ownership of Land and Facilities for SA 318***

The LEP applies specifically to those lands and facilities identified in Section 6.1 (*Plan Area*). Lands and facilities within the Plan Area include PSE lands, National Forest System (NFS) lands, and other non-federal lands.

### ***2.3 Inclusion Within the Project Boundary***

The LEP applies to lands within the project, including action areas defined in Section 6.1 (*Plan Area*). The project is located within Skagit and Whatcom counties. The majority of the Upper Baker Development is within the Mount Baker Snoqualmie National Forest (MBSNF), managed by the USDA-FS. The Lower Baker Development occupies lands primarily owned by PSE; however, about 5 percent of the area consists of lands managed by the USDA-FS, state land, and private land.

### ***2.4 Funding for SA 318***

The LEP is a comprehensive planning effort and as such assists in the planning function for actions accomplished under several funding mechanisms including general funds from state, federal, and local sources. PSE also provides contributory funding for LEP implementation actions and measures throughout the term of the FERC license per the funding guidelines provided in SA 318 and license order appendix A-5. Potential changes in the agreed-upon funding levels (per the settlement agreement) will be

addressed according to the funding guidelines provided in SA 602. PSE will provide an annual summary of LEP-related expenditures made during the preceding year in conformance with the requirements of the license, including SA 301, "Recreation Management Report." The funding process is described in further detail in section 6.3.

### 3.0 Basis for the Plan

On November 30, 2004, PSE filed a settlement agreement that resolved all issues among the Parties related to the relicensing and ongoing operations of the Baker River Project, FERC No. 2150. Article 318 of the settlement agreement (SA 318) specified the requirements and expectations of the LEP. In their October 17, 2008 Order Issuing License, at paragraph F, FERC incorporated the settlement agreement verbatim, including SA 318, into the license as appendix A (FERC, 2008).

#### 3.1 Settlement Agreement Article 318 – Law Enforcement Plan

SA 318 states:

Within one year of license issuance, licensee shall invite federal, state, and local enforcement agency personnel identified by USDA-FS, NPS, Skagit and Whatcom Counties and Town of Concrete law enforcement departments, and WDFW to a meeting or meetings convened for the purpose of developing a Law Enforcement Plan (LEP) to provide for the coordination of the activities of law enforcement personnel with jurisdiction in the Project area and the Baker Basin. The LEP is intended to increase the effectiveness and efficiency of law enforcement. The LEP may include provisions for law enforcement presence, other types of public contact personnel presence, enhanced emergency communication and response procedures, public safety and security, protection measures for facilities, natural resources, recreation resources, and heritage resources within the Project area and Baker Basin generally. The actual elements of the LEP will be determined by the designated participating agency and law enforcement personnel.

Within two years of license issuance, licensee shall file a report on the LEP (LEP Report) with the Commission. At least 30 days prior to submitting the LEP Report to the Commission, the licensee shall provide a draft of the LEP Report to the RRG for review and comment. The licensee shall include, with the LEP Report filed with the Commission, copies of comments on the LEP Report and specific descriptions of how the entities' comments are accommodated by the LEP Report. If the licensee does not adopt a comment, the filing shall include the licensee's reasons, based on Project-specific information.

Licensee shall make funding available for the development and implementation of the original LEP and subsequent revisions as provided for in the LEP in an amount not to exceed that shown in the Recreation Implementation Schedule attached as Appendix A-5. In the event an LEP is not developed by participating agencies and law enforcement personnel within three years following license issuance, licensee shall retain the accumulated specified funding until the LEP is completed. Expenditures in preparation of the LEP and any subsequent monitoring and updates shall not exceed \$55,000, in accordance with the Recreation Implementation Schedule Costs attached as Appendix A-5 for participation in the development of the plan, subsequent revisions, and generally in the planning process shall not be considered an authorized use of the funding.

### 3.2 Relationship to Other Articles of the License and Settlement Agreement

SA 318 was incorporated into the license, along with the other proposed articles of the settlement agreement. In addition to incorporating the settlement agreement articles, the license is subject to conditions submitted by:

- **SA 301, “Recreation Management Report.”** Under the conditions of SA 301, PSE will provide an annual report to the Parties per the schedule in SA 301 for a 60-day review period that includes a description of how PSE, agencies, and tribes coordinated the implementation of SA 318. Activities conducted during the previous 12 months (January 1 – December 31) and the status of development or implementation of measures will be summarized in each annual report.
- **SA 602, “Required Funding.”** Under the conditions of SA 602, PSE may, by request of one of the Parties, use the recreation adaptive management (RAM) fund to help address recreation management needs at the project, including law enforcement and resource protection. PSE will contribute money to the RAM fund on an annual basis, per the amounts indicated in SA 602. The RAM fund:

May be used for actions to address recreation management resource needs in the Baker Basin and immediately within the hydraulic influence of the Baker Basin that are not otherwise identified and addressed at the time of license issuance. Actions funded by the RAM Fund will be reviewed and approved by the RRG subject to the decision making and dispute resolution procedures described in Article 601. Projects may be considered based upon any written requests to the RRG sponsored by any member of the BRCC [Baker River Coordinating Committee] and following review and comment by all members of the RRG. [FERC, 2008]

The LEP funding process, including the RAM fund, is described in further detail in section 6.3.

## 4.0 Goals and Objectives

The overall purpose of the LEP is to help ensure that applicable laws and regulations are enforced and that public/recreation use at the Project complies with license and settlement agreement terms. The goals and associated objectives of the LEP include the following.

**Goal 1:** Facilitate routine communication between those entities with law enforcement and/or resource protection responsibilities in the project area.

- **Objective 1A.** Coordinate and communicate public use/recreation, resource (natural, cultural, and historic), and hydroelectric infrastructure safety and security measures.
- **Objective 1B.** Establish a process for annual communication and coordination between PSE, the RRG, and those entities with law enforcement and/or resource protection responsibilities in the project area.
- **Objective 1C.** Provide periodic natural and cultural/historic training opportunities for entities involved in implementation of the LEP.

- **Objective 1D.** Provide resource protection staff with maps that display identified sensitive resource sites and areas, as appropriate.

**Goal 2:** Where appropriate, allocate SA 318-identified funds to help meet long-term law enforcement and resource protection needs in the plan area.

- **Objective 2A.** In coordination with the RRG and applicable law enforcement/resource protection entities, develop a list of long-term law enforcement and resource protection needs at the project (to be updated periodically).
- **Objective 2B.** Identify annual (short-term) funding priorities to help meet established long-term law enforcement and resource protection needs at the project.

## 5.0 Regulatory Reference and Definitions

### *5.1 Law/Resource Protection Regulatory and Enforcement Authority*

Several federal, state, local, and tribal agencies have law-enforcement-related or resource-protection-related regulatory authority or responsibilities at the project. The key project safety regulator, the FERC Division of Dam Safety and Inspections, establishes and enforces safety and security directives for licensees of hydroelectric projects. Licensees are responsible for meeting these FERC-mandated regulations and guidelines. Since the LEP is not intended to address FERC's safety and security requirements directly, it is anticipated that PSE recreation staff, RRG members, and applicable law enforcement and resource protection agencies will coordinate LEP implementation actions with PSE's internal safety and security and compliance groups in concert with these regulations. This will help ensure consistency between the LEP and PSE's other safety- and security-related plans (public safety plans, emergency action plans, and so on).

Several other federal entities in addition to the FERC may have regulatory authority at the project. The Department of Homeland Security (DHS) categorizes hydroelectric projects as critical infrastructure. DHS is committed to protecting and ensuring the continuity of critical infrastructure. The USDA-FS, U.S. Fish and Wildlife Service (USFWS), and National Marine Fisheries Service (NMFS) have Endangered Species Act (ESA), and other law enforcement and resource protection regulatory authority at the project. Several state agencies also have regulatory authority at the project. These entities and the associated regulatory authority are listed in table 1.

Table 1. Law enforcement and resource protection regulatory authorities.

Agency Name	Statute, Regulation, or Reference	Description
FERC	18 CFR § 12 Subpart C	Emergency action plan program
FERC	18 CFR § 12.42	Safety signage at hydropower projects
FERC	FERC Security Program for Hydropower Projects Revision 2 (June 3, 2009)	Security program for hydropower projects
DHS	Dams Sector Protective Measures Handbook	Dam security guidance
DHS	Dams Sector Crisis Management Handbook	Response to crisis
USDA-FS	ESA, 36 CFR § 261	Recreation and public use regulatory framework
USFWS	ESA, Migratory Bird Treaty Act, Lacey Act	Resource protection acts and statutes
NMFS	ESA (50 CFR 216)	Resource protection acts and statutes
WDFW	Revised Code of Washington Title 77	Fish and wildlife code
WDNR	WAC, Title 332, Chapter 332-52	Public access and recreation
Skagit County	Skagit County Code, Title 9	Public peace, safety, and morals
Whatcom County	Whatcom County Code, Title 9	Public peace, morals, and welfare

Several federal, state, and local entities also have law enforcement/resource protection authority (responsibility to enforce appropriate federal, state, or local laws, regulations, etc.) at the project. Owing to the presence of significant NFS lands within the project boundary, the USDA-FS is one of the primary law enforcement/resource protection agencies at the project. USDA-FS law enforcement staff have the authority to uphold federal laws and regulations that protect natural resources, agency employees, and the public.

At the state level, WDFW staff are primarily responsible for enforcing state laws related to fish and wildlife. WDFW law enforcement personnel may also enforce state and county laws. WDNR law enforcement is tasked with protecting state assets and the environment, as well as ensuring public safety on state lands. Fish and wildlife officers are also general authority peace officers, enabling them to enforce state criminal laws and some types of federal violations (e.g., ESA, Lacey Act, etc.).

At the local level, both the Whatcom County and Skagit County sheriff's offices are responsible for general law enforcement duties in each respective county, as prescribed in the Revised Code of Washington (section 36.28.010). The town of Concrete does not have its own police department; the Skagit County Sheriff's Office is contracted to provide law enforcement services for Concrete.

## 5.2 Definitions

A list of key terms and acronyms follows the table of contents.

## 6.0 Plan Implementation

This section outlines specific implementation and management components of the LEP, as defined in SA 318.

### 6.1 Plan Area

The plan area is defined as all lands within the FERC project boundary, including all project-related facilities and recreation sites and use areas along the reservoir shoreline, as well as those areas identified in the license for incorporation in the project (for example, elk habitat lands).

### 6.2 Background Information

The need for an LEP evolved out of the relicensing and subsequent settlement agreement process. The project is located in two counties:

- The northern reaches of the Baker River Basin, including Baker Lake, lie within Whatcom County but are physically isolated from the rest of the county.
- The southern portion of the project lies in Skagit County.

A number of state, local, and federal entities have resource protection, law enforcement, and human safety interests in the Baker Lake area, including the project area.

Furthermore, participants in a planning exercise during relicensing (Huckell/Weinman Associates, 2004) identified a need for:

- Safety, law enforcement, and user management.
- More patrolling of the basin by public law enforcement officers.
- Rangers for first aid, law enforcement, information, and education
- Zoning on Baker Lake to provide safe areas for motorized and non-motorized watercraft.

Each of these needs indicates a desire for more safety and security, which could be provided by increased law enforcement and other agency presence at the project. Consequently, maintaining an adequate law enforcement presence and rapid emergency response in the Baker River Basin is essential for public safety, resource protection, recreation opportunities and experiences, and PSE and other agency staff stationed at the project.

As discussed during the relicensing process, the development and implementation of a LEP would help ensure both effective and efficient law enforcement and emergency response at the project and the Baker River Basin in general. Coordinated use of staff and resources among those entities with law enforcement and resource protection responsibilities in the Baker River Basin would also help create a unified agency presence, increase public safety, and safeguard natural resources in the project area.

### 6.3 Procedures

As described in SA 318, PSE will facilitate effective law enforcement and resource protection actions at the project during the new license term via three primary methods: (1) annual funding, (2) annual communication and coordination with applicable law

enforcement and resource protection entities, and (3) periodic resource training opportunities. Each of these methods is described below.

### 6.3.1 Funding

The LEP is a comprehensive planning effort and as such assists in the planning function for actions accomplished under several funding mechanisms including general funds from state, federal, and local sources. PSE also provides contributory funding for LEP implementation actions and measures, per the funding guidelines provided in SA 318 and license order appendix A-5. These funding guidelines include:

- \$73,000 in dedicated annual funding to the USDA-FS to provide general law enforcement duties at the project.
- \$22,000 in discretionary annual law enforcement-related funding (\$25,000 every 5<sup>th</sup> year). PSE will review law enforcement priorities and allocate these discretionary funds to meet specific law enforcement/resource protection needs. The discussion of priorities and needs, as well as fund allocation, will be incorporated into the annual law enforcement implementation plan (LE-IP) process (section 6.3.2).

In addition to these SA 318-specific funding mechanisms, the settlement agreement also established the RAM fund (SA 602). As described in section 3.2, the RAM fund may be used to help address recreation management needs at the project, including law enforcement and resource protection.

### 6.3.2 Annual Communication and Coordination

To foster effective law enforcement and resource protection at the project throughout the new license term, PSE will host semi-annual (twice per year) meetings with the applicable law enforcement and resource protection agencies as listed in section 2.0. The first meeting will be held prior to the primary recreation season (likely in March), while the second annual meeting will be held after the primary recreation season (likely in October). This schedule will allow PSE and meeting participants to discuss and plan for the upcoming recreation season, debrief after the recreation season, and identify challenges and opportunities for the next year's recreation season.

PSE will be responsible for organizing the semi-annual meetings. Participation by law enforcement and resource protection entities is voluntary, although encouraged. While PSE will develop and provide an agenda to meeting participants prior to the semi-annual meetings, the following discussion topics are likely to be included.

- **Review of previous calendar year's law enforcement and resource protection activity.** Meeting participants will share their perspective from the previous year including what worked, what didn't, what needs to improve, significant issues, etc.
- **PSE law enforcement and resource protection funding review and priorities.** PSE will provide a summary of planned law enforcement and resource protection funding, and will discuss any potential changes to funding efforts. The funding discussion will be specific to those funds identified under SA 318, but may also include a summary of other law

enforcement and resource protection funding mechanisms including the RAM fund. Annual funding priorities will be based on agreed-upon long-term needs.

- **Emerging issues.** Meeting participants will identify and discuss new issues facing law enforcement and resource protection at the project.

PSE will be responsible for recording and distributing meeting notes to meeting participants. The meeting notes will also be included in PSE's annual recreation management report (as required by SA 301).

### 6.3.3 Periodic Training Opportunities

Since resource agencies are also responsible for monitoring and enforcing cultural, historic, and natural resource rules and regulations at the project, PSE may periodically offer training sessions to inform and educate resource agency staff working in the project area.

Examples of potential training topics are:

- An overview of laws and regulations associated with the protection of historic and cultural resources.
- Dealing with cultural resource crime.
- Archaeological crime scene investigation.
- Archaeological damage assessments.
- Recognizing cultural resources.
- Protecting Baker River Hydroelectric Project cultural resources.

Periodic training opportunities will be summarized in PSE's annual recreation management report (as required by SA 301) and coordinated with the Baker River HPMP (as required under License Article 404) during those years that training opportunities are offered (the HPMP calls for training opportunities to be offered every four years after its acceptance by FERC).

## 6.4 Schedule

PSE initiated consultation with the RRG and applicable law enforcement/resource protection entities during the first year of the license. This LEP recognizes the input and recommendations from these stakeholders that were provided during the initial and subsequent law enforcement-related meetings.

Per SA 318, PSE had three LEP schedule milestones:

- **LEP Meeting.** Within the first year of license issuance, PSE must convene a meeting with applicable law enforcement and resource protection entities to discuss the development of an LEP.
- **LEP Report.** Within two years of license issuance, PSE must file an LEP report with the FERC, describing progress on the development of the LEP.
- **LEP.** Within three years of license issuance, PSE must submit an LEP to the FERC that provides a framework for efficient and effective law enforcement and resource protection at the project.

### ***6.5 Consistency with Other Plans***

The LEP is consistent with license article 404 (SA 201), which requires the implementation of the programmatic agreement (PA) for the project. In accordance with the license and PA, the Historic Properties Management Plan (HPMP) has been developed to address cultural resources at the project. The LEP is also consistent with SA 501, "Terrestrial Resource Management Plan," as well as other elements of the license including cultural, historic, and terrestrial resource management. The LEP will be implemented consistent with the standards and requirements of all other plans prepared to comply with the license. If the requirements of the LEP conflict with one or more other license-required plans, the RRG and other affected resource implementation groups will resolve the conflict.

## **7.0 Monitoring and Reporting**

This section describes the monitoring and reporting requirements of the LEP as described in SA 318.

### ***7.1 Monitoring***

Per the terms of SA 318, PSE does not have any law enforcement or resource protection monitoring requirements, notwithstanding other safety- and security-related FERC monitoring requirements and other license-required resource monitoring. PSE will capture or monitor all law enforcement and resource protection funding and communication in the annual recreation management report (as required by SA 301).

### ***7.2 Reporting***

All reporting related to implementation of the LEP will be included in the annual recreation management report, as required by SA 301. The recreation management report will include a summary of license implementation actions and measures, funding and expenditures, and potential revisions to the implementation schedule, among other components. PSE is required to allow the RRG and USDA-FS at least 60 days to comment on a draft version of the recreation management report before filing it with the FERC.

## **8.0 References**

- FERC (Federal Energy Regulatory Commission). 2008. Puget Sound Energy, Inc. Project No. P-2150-033, 07: Order on Offer of Settlement, Issuing New License, and Dismissing Amendment Application as Moot. Washington, DC. October 17, 2008.
- Huckell/Weinman Associates. 2004. Recreation Needs Analysis (Study R16). Final Draft Report. Baker River Project Relicensing, Recreational and Aesthetics Resources Working Group. Kirkland, Washington. June 2004.

## 9.0 RRG Review Comments and Responses

PSE distributed the draft LEP for formal RRG and applicable law enforcement/resource protection entities review on April 9, 2010. This section includes a record of RRG and law enforcement/resource protection entity comments received during the formal 30-day review period, as well as PSE responses to these comments.

### 9.1 Distribution List

PSE provided RRG members and law enforcement/resource protection entities listed in table 2 with a copy of the draft LEP for formal review.

Table 2. Law Enforcement Plan reviewers.

Name	Organization	Address
Stan Walsh	Sauk-Suiattle Indian Tribe/Swinomish Indian Tribe	Po Box 368, LaConner, WA 98257
Greta Movassaghi Ann Dunphy Jeremy Smith Jon Vanderheyden	USDA-FS	810 SR 20, Sedro Woolley, WA 98284
Bill Hebner Bill Heincht	WA Department of Fish and Wildlife	16018 Mill Creek Blvd, Mill Creek, WA 98012-1541
Brock Applegate	WA Dept Fish & Wildlife	PO Box 1100, LaConner, WA 98257-9612
Brian Adams	Skagit County Parks & Recreation	315 S 3 <sup>rd</sup> St, Mount Vernon, WA 98273
Jeff Turner	Whatcom County Sheriff's Office	311 Grand Avenue, Bellingham, WA 98225-4078
Jim Eychaner	WA Recreation and Conservation Office	1111 WA Dept Natural Resources Building, Olympia, WA 98501
JoAnne Gustafson	Washington Dept of Natural Resources	919 N Township, Sedro Woolley, WA 98284
LouElyn Jones	US Fish & Wildlife Service	510 Desmond Dr, Lacey, WA 98503
Norma Joseph	Sauk-Suiattle Indian Tribe	5318 Chief Brown Lane, Darrington, WA 98241
Patrick Goldsworthy	North Cascades Conservation Council	PO Box 95980, Seattle, WA 98145-2980
Paula Mann	Town of Concrete	PO Box 39, Concrete, WA 98237
Scott Schuyler	Upper Skagit Indian Tribe	25944 Community Plaza, Sedro Woolley, WA 98284

### 9.2 Cover Letter

The following is a copy of the cover letter that PSE mailed with the draft LEP to the stakeholders listed in section 9.1 for review.

 **PUGET SOUND ENERGY**  
*The Energy To Do Great Things*

Puget Sound Energy  
P.O. Box 97034  
Bellevue, WA 98009-9734  
PSE.com

April 9, 2010

**VIA CERTIFIED MAIL**

*[Insert Name]*  
*[Insert Address]*

**Re: Baker River Hydroelectric Project, FERC No. 2150 -  
Draft Law Enforcement Management Plan, SA 318 Submittal for Consultation**

Dear *[Insert Name]*:

On October 17, 2008, the Federal Energy Regulatory Commission (FERC) issued a new license for Puget Sound Energy, Inc.'s (PSE's) Baker River Hydroelectric Project (FERC No. 2150). In license SA Article 318, FERC directed that PSE, after consultation with the Recreation Resources Group (RRG), file a Law Enforcement Plan (LEP).

In accordance with SA Article 318, PSE conducted a consultation meeting with the RRG and other designated agencies on February 16, 2010, to present a preliminary draft of the Law Enforcement Management Plan and receive initial comments and suggestions. These suggestions were incorporated into a draft LEP. PSE is required to allow a minimum of 30 days for the agencies to comment and make recommendations on the draft LEP prior to filing the final plan with FERC.

Enclosed with the letter is the draft LEP. Please review this plan and send your comments and/or recommendations to me. You may submit your comments using the enclosed reply form. **Please respond with your reply by May 10, 2010.**

The draft Law Enforcement Management Plan is being distributed to the persons listed in the attached Distribution List. This list represents persons previously identified to PSE as the appropriate representative for the respective consulting party's review of SA Article 318 issues. If any recipient wishes to change their designated representative for subsequent transmittals, please submit a written request to me providing the contact information for the desired recipient.

Thank you for your efforts in supporting this process. If you have any questions, please contact me at 425-462-3173 or kim.lane@pse.com.

Sincerely,  
  
Kim William Lane, P.E.  
License Implementation Manager

Enclosures  
cc: Distribution List

Doc ID: BAK.20100408.0248.PSE.RRG

Figure 1. Sample cover letter.

### 9.3 Summary of Reviewer Replies

The following reviewers sent comments to PSE (see section 9.4 for details).

- Brian Adams, Skagit County Parks and Recreation
- Brock Applegate, Washington Department of Fish and Wildlife

The following reviewers replied but had no comments.

- Jim Eychaner, WA Recreation and Conservation Office
- Paula Mann, Town of Concrete
- Greta Movassaghi, USDA-FS
- Patrick Goldsworthy, North Cascades Conservation Council
- Jeff Turner, Whatcom County Sheriff's Office

### 9.4 Reviewer Comments and PSE Responses

Table 3 summarizes RRG reviewer comments on the draft LEP and PSE's responses to these comments.

Table 3. Comments following formal review of the draft LEP, April 9 – May 10, 2010.

Comment	Puget Sound Energy Response
<b>Brian Adams, Skagit County Parks and Recreation, received 5/19/2010</b>	
Thanks for the LEP update. Skagit County is interested in making sure there is adequate law enforcement in the Lake Shannon area, especially once the site has been developed.	Comment noted.
<b>Brock Applegate, WA Department of Fish and Wildlife, received 5/10/2010</b>	
The Washington Department of Fish and Wildlife (WDFW) has reviewed the Article 318 Draft Law Enforcement Plan (LEP). We have a few comments for the plan below. WDFW has participated in continuous consultation with Puget Sound Energy (PSE) for many years on the Baker River Hydroelectric Project. WDFW appreciates PSE's willingness to collaborate with WDFW on their many license implementation activities.	Comment noted.
<b>5.1 Law/Resource Protection Regulatory and Enforcement Authority, third paragraph, first sentence.</b> WDFW law enforcement personnel not only enforce state laws related to fish and wildlife, but also all other state and county laws. WDFW law enforcement officers have commissions in both Whatcom and Skagit Counties and can patrol and enforce laws near Lake Shannon, Baker Lake, and all PM&E lands that may reside some distances away from the dam structures and National Forest lands.	The following sentence has been added to section 5.1 (third paragraph): "WDFW law enforcement personnel may also enforce state and county laws."

Comment	Puget Sound Energy Response
<p><b>6.3.3 Periodic Training Opportunities.</b> Other training opportunities for law enforcement personnel may include training for hunting and fishing violations and protecting the public from problem wildlife such as bears and mountain lions. Law enforcement personnel at the latest LEP meetings have expressed a desire to increase emphasis and holiday patrols. Training in dealing with problem wildlife and public recreation such as hunting and fishing could improve public safety.</p>	<p>Comment noted. PSE will consider all law enforcement and resource protection goals and objectives when planning potential future training opportunities.</p>
<p>WDFW welcomes the opportunity to work with PSE on future projects. We value our working relationship with PSE and encourage future dialog.</p>	<p>Comment noted.</p>

9.5 Comment Correspondence

This section presents correspondence from those RRG reviewers who provided comments on the draft LEP.

### Baker Consultation Reply Form



**REPLY FORM to Baker River Hydroelectric Project**  
**Draft Law Enforcement Management Plan, SA 318**  
**Submittal for Consultation**

Name: Brian Adams

Job Title: Director, Parks, Rec, Fair

Representing: Skagit County

Address: 315 S 3rd

City, State, Zip: Mount Vernon, WA 98273

**Instructions:** Please select from the following options:

I have read the draft Law Enforcement Management Plan and I have no comments.

I have read the draft Law Enforcement Management Plan and I have comments, listed below. (Please use additional paper, if needed).

Thanks for the LEP update. Skagit County  
is interested in making sure there  
is adequate law enforcement in  
the Lake Shannon area, especially on  
the site has been developed.

I have read the draft Law Enforcement Management Plan and I will email my comments to pamela.garland@pse.com.

I do not wish to be involved in the consultation process.

**Important:**  
 Please send this reply via the self-addressed envelope and mail no later than May 10, 2010.  
 Date Reply Form Received by PSE: 5-19-10

Figure 2. Reply from Brian Adams, Skagit County Parks and Recreation.



State of Washington  
**Department of Fish and Wildlife**  
*P.O. Box 1100, 111 Sherman St. (physical address), La Conner, Washington 98257-9612*

May 10, 2010

Puget Sound Energy  
Kim Lane, License Implementation Manager  
P.O. Box 97034 PSE-09S  
Bellevue, WA 98009-9734

Subject: Baker River Hydroelectric Project, Federal Energy Regulatory Commission No. 2150—  
Draft Law Enforcement Management Plan, Article 318 Submittal for Consultation

Dear Mr. Lane:

The Washington Department of Fish and Wildlife (WDFW) has reviewed the Article 318 Draft Law Enforcement Management Plan (LEP). We have a few comments for the plan below. WDFW has participated in continuous consultation with Puget Sound Energy (PSE) for many years on the Baker River Hydroelectric Project. WDFW appreciates PSE's willingness to collaborate with WDFW on their many license implementation activities.

**5.1 Law/Resource Protection Regulatory and Enforcement Authority, third paragraph, first sentence.** WDFW law enforcement personnel not only enforce state laws related to fish and wildlife, but also all other state and county laws. WDFW law enforcement officers have commissions in both Whatcom and Skagit Counties and can patrol and enforce laws near Lake Shannon, Baker Lake, and all PM&E lands that may reside some distances away from the dam structures and National Forest lands.

**6.3.3 Periodic Training Opportunities.** Other training opportunities for law enforcement personnel may include training for hunting and fishing violations and protecting the public from problem wildlife such as bears and mountain lions. Law enforcement personnel at the latest LEP meetings have expressed a desire to increase emphasis and holiday patrols. Training in dealing with problem wildlife and public recreation such as hunting and fishing could improve public safety.

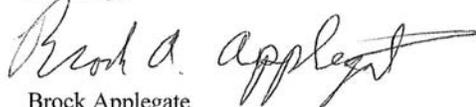
WDFW welcomes the opportunity to work with PSE on future projects. We value our working relationship with PSE and encourage future dialog. If you have any questions or need more

Figure 3. Reply from Brock Applegate, Washington Department of Fish and Wildlife.

Mr. Kim Lane  
May 10, 2010  
Page 2 of 2

information or clarification to comments from the WDFW, please feel free to call me at (360) 466-4345 x254.

Sincerely,



Brock Applegate  
Fish and Wildlife Biologist

Cc: Officer Worth Allen, WDFW La Conner  
Officer Larry Bauman, WDFW La Conner  
Bob Everitt, WDFW Mill Creek  
Captain Bill Hebner, WDFW Mill Creek  
Sergeant Bill Heinck, WDFW La Conner  
Mark Hunter, WDFW Olympia

Figure 3, continued.